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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,116	02/19/2002	Alain Blanchard	A-2995	4732
7590	11/21/2003		EXAMINER	
LERNER AND GREENBERG, P.A. Post Office Box 2480 Hollywood, FL 33022-2480			HENCE EVANS, ANDREA	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application No.	Applicant(s)
	10/078,116	BLANCHARD ET AL.
Examiner	Art Unit	
Andrea H Evans	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 October 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

DETAILED ACTION-FINAL REJECTION

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7, 9-10 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Calibrex et al (5,839,365).

Referring to claim 1, Calibrix teaches a device for guiding sheet-like copies which are severed from a material web in a cutting nip of a cutting-cylinder pair (4), comprising a copy guide (5.1,5.2) disposed in an outlet wedge of the cutting-cylinder pair for gripping leading ends of the sheet-like copies for guiding the copies, said copy guide including revolving transport elements (5.1,5.2), and actuating drives for displacing said revolving transport elements in a lateral direction so as to adapt said transport elements to different positions and widths of material webs (See Column 2, lines 45-52).

Referring to claim 2, Calibrex teaches the guiding device wherein a respective copy guide is assigned to each side region of the material web. (See Figure 2).

Referring to claim 3, Calibrex teaches the guiding device wherein a plurality of the copy guides (5.1,5.2) arranged on both sides of the material web which is to be processed are displaceable symmetrically in relation to a machine center. (See Figure 2).

Referring to claim 5, Calibrex teaches the guiding device, wherein to the copy guide there is assigned an actuating drive for positioning the copy guide within a displacement distance in a

region of a side edge of the material web in accordance with the width of a copy. (See Column 2, lines 32-44).

Referring to claim 6, Calibrex teaches the guiding device, wherein the copy guide includes pairwise driven rotary bodies (6,7) and driving rotary bodies (See Rollers along 5.1 and 5.2, Figure 1), about which said transport elements are revolvable.

Referring to claim 7, Calibrex teaches the guiding device including drives integrated in said copy guides for driving said driving rotary bodies. (See Column 3, lines 35-39).

Referring to claim 9, Calibrex teaches the guiding device, wherein pairs of said rotary bodies, respectively, are formed with a gap having a variable opening between the rotary bodies thereof. (See Column 4, lines 63 – Column 5, line 4).

Referring to claim 10, Calibrex teaches the guiding device wherein said gap is bounded by said driven transport elements. (See Figure 3).

Referring to claim 13, Calibrex teaches the guiding device, wherein said transport elements are configured as axially spaced-apart transport belts (5.1,5.2).

Referring to claim 14, Calibrex teaches the guiding device, wherein the material web leaving the cutting nip is guidable by said transport elements on both sides of the material web, without any relative speed, along a gripping region. (See Figure 2).

Referring to claim 15, Calibrex teaches the guiding device, wherein said driven transport elements are arranged on mutually opposite sides of the material web and on both sides of the material web. (See Figure 2).

Referring to claim 16, Calibrex teaches a folder having a guiding device for guiding a material web in a cutting nip of a cutting-cylinder pair, wherein sheet-like copies are severed

from the material web, comprising a copy guide (5.1,5.2) disposed in an outlet wedge of the cutting-cylinder pair for gripping leading ends of sheet-like copies severed from the web for guiding the copies, said copy guide including revolving transport elements (5.1,5.2), and actuating drives for displacing said revolving transport elements in a lateral direction so as to adapt said transport elements to different positions and widths of material webs. (See Column 2, lines 45-52).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calibrex in view of Pautrat (6,513,427).

Referring to claim 4, Calibrex teaches all that is claimed in the above rejections except it does not teach the guiding device wherein the copy guides arranged on both sides of the material web which is to be processed are displaceable independently of one another in relation to the machine center. Pautrat teaches the copy guides (13,14) arranged on both sides of the material web which is to be processed are displaceable independently of one another (See Column 2, lines 63-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Calibrex to include a separate drive for each copy guide such that each drive can be driven independently of the other as taught by Pautrat.

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5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calibrex in view of Sarni et al (6,295,925).

Referring to claim 8, Calibrex teaches all that is claimed in the above rejections except it does not teach the guiding device, wherein each copy guide comprises an actuating cylinder for displacing a mount including rotary bodies into a position wherein the material web is gripped thereby, and into a position wherein the material web is not gripped thereby. Sarni teaches an actuating cylinder for displacing a mount including rotary bodies into a position wherein the material web is gripped thereby, and into a position wherein the material web is not gripped thereby (See Column 2, lines 37-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Calibrex such that an actuating cylinder displaces rotary bodies to aid in adjusting the force on the web material passing through the nip as taught by Sarni.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calibrex in view of Burke (6,164,201).

Referring to claim 11, Calibrex teaches all that is claimed in the above rejections except the guiding device including pivotable carriers wherein said driven rotary bodies are accommodated, relative to the rotary bodies, respectively, which drive them. Burke teaches pivotable carriers (104) wherein said driven rotary bodies (108) are accommodated, relative to the rotary bodies. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Calibrex such that correction of web misalignment is performed by pivotally moving a carriage as taught by Burke.

Referring to claim 12, Calibrex teaches all that is claimed in the above rejections except the guiding device, wherein said pivotable carriers are pivotable relative to said driving rotary bodies in order to vary the extent of opening of said gap.

Burke teaches the guiding device, wherein said pivotable carriers (104) are pivotable relative to said driving rotary bodies (108) in order to vary the extent of opening of said gap. (See Column 1, lines 55-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Calibrex such that the web can be shifted in directions laterally due to the pivoting carriage as taught by Burke.

***Response to Arguments***

7. Applicant's arguments filed 10/29/03 have been fully considered but they are not persuasive. Claims 1-16 remain rejected. Referring to claims 1 and 16, Calibrex teaches a copy guide disposed in an outlet wedge of the cutting-cylinder pair. "An outlet wedge" has been given its broadest most reasonable interpretation. The arrow denoted in Figure 2 shows the direction the material web is fed into the folding apparatus. The copy guide (5.1,5.2) is in the area where the web runs out of the cylinders. Also, the term copy guide has been given its broadest most reasonable interpretation. The transport tapes (5.1 and 5.2) can serve as copy guides since they transport the copies severed in a nip of the cutting cylinders to a tucker blade cylinder.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H Evans whose telephone number is (703) 305-8427. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Andrea H. Evans

AHE



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